S.B. CR.MISC.BAIL APPL.NO.7405/2007.

Jakir @ Makhi and anr.
Vs.
State

Date of order : 6/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ali Mohd.Khan for the petitioners.
Shri Ashwini Sharma PP for the State.

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Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that though the allegation against the petitioners is that they were found in possession of Heroin which was meant for their personal use and, therefore, the offence u/S.8/27 of the NDPS Act was registered against them, which is punishable by the maximum sentence of one year imprisonment. The petitioners were arrested on 26/9/2007 and ever since then they are in jail. The investigation is almost complete and further detention of the petitioners is no longer required for any purpose of investigation. Trial of the case will take long. No previous criminal case was ever registered against the petitioners.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioners on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioners Jakir @ Makhi S/o Shokat Ali and Sadakat Hussain S/o Mohammed Sidiq shall be released on bail in F.I.R. No.483/2007 P.S. Kotwali, Baran, District Baran for offence under Section 8/27 of the NDPS Act subject to each of them furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

anil/-